IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20702 of 2004

Between:

S. Partha Sarathi, E-60556, S.A (P) S/o. Krishna Murthy,
Jammalamadugu Depot, R/o. Jammalamadugu, Kadapa District.

..... PETITIONER

AND

1 The APSRTC, Rep. by its Regional Manager,
Kadapa Region, Kadapa.
2 The APSRTC, Rep. by its Depot Manager,
Pulivendula, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents herein in not granting the selection grade scale Stagnation increment to the Petitioner on completion of 12 years service is illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondents herein to add the stagnation increment to the petitioner on completion of 12 years of service irrespective of his transfer from the date of initial appointment and to pay the arrears by refixing the pay of the petitioner forthwith.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the stage of admission made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.20702 OF 2004

ORDER:

The petitioner is working as a Driver in the respondent-Corporation. He contends that he has been working continuously for more than 12 years. Therefore, he is entitled to get stagnation increments on completion of 12 years of service. The petitioner further contends that though he made representations for release of stagnation increments, his request was not considered. The petitioner therefore approached this Court seeking to declare that he is entitled for stagnation increments on completion of 12 years of service, which he had already completed long prior to the date of the Writ petition. A similar question arose for consideration in W.P.No.5726 of 200 and it was also considered in Writ Appeal No.1301 of 2000 by a Division Bench of this Court which was preferred against the order in the above writ petition and the Division Bench held that the employees, who have completed 12 years of service in the same category irrespective of their transfers, are entitled for stagnation increments and accordingly directed to consider the cases of the petitioners in the Writ petition No.5726 of 2000.

2. In the light of the circumstances explained by the petitioner and in the light of the judgment of the Division Bench in the above Writ Appeal, the respondents are directed to examine whether the petitioner completed the period of 12 years in the same category irrespective of his transfer and on satisfying that he completed 12 years of service, extend him the benefit of the stagnation increment and pass appropriate orders within eight weeks from the date of receipt of this order.

3. The writ petition is accordingly allowed. No order as to costs.

Dr. G.YETHIRAJULU, J

10th November, 2004

SKM

TO

1 The Regional Manager, APSRTC, Kadapa Region, Kadapa.
2 The Depot Manager, APSRTC, Pulivendula, Kadapa District.

3 Two C.D. Copies.